

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RICK B.,

Plaintiff,

-v-

5:23-CV-1261 (AJB/TWD)

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

HILLER COMERFORD INJURY
& DISABILITY LAW
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SOCIAL SECURITY ADMINISTRATION
Office of the General Counsel
Attorneys for Defendant
6401 Security Boulevard
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OF COUNSEL:

JUSTIN M. GOLDSTEIN, ESQ.

VERNON NORWOOD, ESQ.
Special Assistant U.S. Attorney

Hon. Anthony Brindisi, U.S. District Judge:

ORDER ON REPORT & RECOMMENDATION

On October 11, 2023, plaintiff Rick B.¹ (“plaintiff”) filed this civil action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner”) denying his application for Supplemental Security Income under the Social Security Act. Dkt. No. 1.

¹ On May 1, 2018, the Judicial Conference’s Committee on Court Administration and Case Management issued a memorandum that encouraged courts to better protect the privacy of non-governmental parties in Social Security matters by using only the first name and last initial of the claimant in published opinions.

The matter was referred to U.S. Magistrate Judge Thérèse Wiley Dancks for the issuance of a Report & Recommendation (“R&R”). *See* Dkt. No. 4. Thereafter, the Commissioner filed a certified copy of the Administrative Record, Dkt. No. 6, and the parties briefed the matter in accordance with General Order 18, which provides that an appeal from the Commissioner’s denial of benefits will be treated as if the parties have cross-moved for a judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure, Dkt. Nos. 9, 10, 11.

On January 10, 2025, Judge Dancks advised by R&R that: (1) plaintiff’s motion should be granted; (2) the Commissioner’s motion should be denied; (3) the Commissioner’s final decision should be vacated; and (4) plaintiff’s benefits claim should be remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. No. 12. The matter has recently been reassigned to this Court for a decision. Dkt. No. 13.

Neither party has lodged objections. The time period in which to do so has expired. *See* Dkt. No. 12. Upon review for clear error, the R&R is accepted and will be adopted. *See* FED. R. CIV. P. 72(b).

Therefore, it is

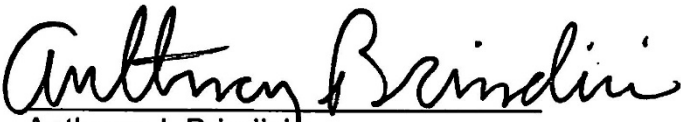
ORDERED that

1. The Report & Recommendation (Dkt. No. 12) is ACCEPTED;
2. Plaintiff’s motion is GRANTED;
3. The Commissioner’s motion is DENIED;
4. The Commissioner’s final decision is VACATED; and
5. This matter is REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with this Order and Judge Dancks’s R&R.

The Clerk of the Court is directed to terminate the pending motion, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: January 30, 2025
Utica, New York.


Anthony J. Brindisi
U.S. District Judge